IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10702 of 1994

to

SPECIAL CIVIL APPLICATION No 10712 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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AMC

Versus

DWARKESH APARTMENT

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Appearance:

MR BP TANNA, SR. ADVOCATE WITH MR. NIKHIL KERRIAL for Petitioners in all matters

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CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE J.R.VORA

Date of decision: 11/10/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. Though this group was to be heard with Special Civil Application No. 2907 of 1994 and other cognate matters as per the common order made on 5-9-1994, they were not placed alongwith that group which came to be disposed of on 12th October 1994. When these matters are called out, it transpires that they are only against a direction given on 13-4-1994 by the Small Causes Court to the respondent to put on record its valid appearance by 27-4-1994. There was no stay granted in all these petitions.

2. Having realised the nature of the directions which is sought to be challenged and having regard to the fact that no stay was granted while issuing rule on these petitions, the learned counsel for the petitioners states that, if the matters are still pending before the Small Causes Court, the direction to file valid appearance will be complied with, and therefore, these petitions are not pressed at this stage, without prejudice to the stand taken by the Corporation as to the validity of the issuance of such direction.

3. Having regard to the nature of the direction issued by the Small Causes Court and without adjudicating upon the validity of those directions, these petitions are disposed of as not pressed at this stage, with liberty to the petitioners to pursue the proceedings before the Small Causes Court, if they are still pending. Rule is discharged in each of these petitions with no order as to costs.

[R.K.ABICHANDANI, J.]

[J.R.VORA, J.]

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